App. F. IX-4

Previous References

SRA 33-25(2)

Later References

SRA 299-33-(1-2)

LR 279-34(1-2)

Revenue

1933.

29 SRA

File No. 36A/32

Serial Nos. 1 to 6

General and Revenue Secretariat.

Serial Nos. 6

Part B for January '34

SUBJECT.

Allowing acting service to count towards one increment

RO) Dr Comptr, H 3918 of 16.1.34

~~Govt~~ States that it is not considered expedient to change the rules or depart from them.

1/2/34

Serial No.

Letter no 287 S/H B. Dtd. 4.1932 from the Comptroller Soliciting or as to whether the present practice to allow acting service to coun to the extent of one increment may be continued

1) Submitted. Article 84 M.S.R is quite clear that an Officer appointed Substantively for the first time can be started with the minimum pay only of a progressive appointment. There is therefore no authority for the audit office to have granted an increment in such cases where Confirmation was preceded by acting service. It is stated in the P.U.B. that Art. 156 (4) C.S.R allows such acting service being Counted for increments when an Officer is Substantively appointed whether or not he previously held a substantive appointment. This is not Correct. Article 156 (4) C.S.R ~~is~~ applies only to an Officer holding a Substantive appointment already. The Contenance of the practice which is

2

NOTE—Contn. Sheet.

3280-R. Counting of acting Service for increment.

S & R File No. 368 of 193 2 — General and Revenue Secretariat

without authority and which involves additional cost may not therefore be accepted.

2) Whether any action is necessary in respect of the cases in which an increment has already been granted is for consideration and decision also. It is not known how long the practice has been and in how many cases an increment has been granted. If at all any action is necessary one increment may perhaps be stopped for a year in all such cases. This is not (perhaps) unjustifiable because there is no rule or provision which admits of an interpretation in favour of the practice.

M

26.4.33.

Serial No.

3) The Comptroller states that it has been the practice to allow acting service to count to the extent of one increment, in the case of an officer without a substantive appointment, who officiates in an appointment on progressive pay and is eventually made S.P.T or permanent without interruption. Article 85 M.S.R as amended by C.S. No. 28 dated 26-11-25 appears to apply to all cases of officers who have officiated in the appointments to which they were appointed substantively whether they were previously holding some other substantive appointment or not. But Article 84 (a) M.S.R as it stands at present seems to apply to all cases of officers without substantive appointments whether they have previously officiated in the appointment or not.

A

4) After the amendment of Articles 85 and 86 M.S.R, Article 84 (a) also appears to require revision, limiting the application only to cases of officers who have not already officiated in the appointment as in the case 84 (b). There is no article in the revised C.S.R corresponding to Article 84 M.S.R. Reference is also invited to Article 156 C.S.R. It is for consideration whether the present practice cannot be regularised by amending clause (a) of Article 34 by adding at the end the words " and if he has not already officiated in the latter".

2e

A,

WW 29/6 H Seey) 29.6.33

5) The point for consideration is whether the long-standing practice referred to at A above should be

NOTE—Contn. Sheet.

File No. of 193 . | General and Revenue Secretariat

Continued or the Comptroller should be told that the practice may be discontinued. In view of the fact that this has been a long standing practice, it may be allowed. Necessary amendment to Rule 84 (2) may be made hereafter in consultation with Comptroller.

24.7.33.

D. Curran)

Eng. 7.33.

6) Is the practice referred to in Vogue in all Depts or only in Audit Dept?

Dme 25/7/33

25/7/33.

7) Submitted. It is ascertained informally that there is no such practice in vogue either in the Accounts Department or in all Departments. Only in the case of a few officers of the Judicial Department where men from the bar were first recruited as Munsiffs on acting basis, an increment has been allowed by the G.A.D of the Comptroller's office (perhaps inadvertently) when they were subsequently confirmed, though it was not admissible under the rules.

8) A draft letter to the Comptroller calling for the information is however put up for orders.

Dame 27.7.33

6.7.33

TYPING SECTION
27 JUL. 1933
GENL. & REV SECTT.

24 JUL. 1933

File No. 368 of 1932

Serial No.

2 No F-L 537 Dt 27.7.1933 to the Comptroller, request him to intimate whether the practice referred to is in vogue in all Departments or only in Accounts Department.

1564

Sus. III 4.8.33

From the Comptroller

3 No 55-GAD Dt 17.8.33

States that the practice referred to is not generally in vogue in any Departme

4) Submitted with reference to para 6 supra.

5) As stated in para 7 supra it is only in a few certain cases in the Judici Department that an increment has been allowed (perhaps inadvertently) Whether on this accou the practice may be allowed to be continued or made applicable generally is for consideration

MW 23.8.33

6) JL Seey) 25/8/33

12) Refer para 6. In order.

AG 28.8.33

Dewan

13) Is there any provision on this point in the Basic Indian Rules?

mwh 28/8/33

25/8/33

FIN 28 AUG 33 No.

NOTE—Contn. Sheet.

Counting of acting Service for increment

File No. of 193 . | General and Revenue Secretariat

Submitted. Kind reference is invited to the ~~P & O and~~ Comptroller's letter of 11.4.1933 and to para 1 supra. It was stated in that letter that 156 (b) C.S.R allowed such acting Service being Counted for increments when an Officer was substantively appointed, whether or not he previously held a substantive post but this interpretation of that Article was found to be wrong. ~~The~~

The relevent rules ~~is~~ are to be found in the Fundamental Rule 22 which appears to have been recently amended. A draft of letter to the Comptroller Calling for the information required in para 13 supra is put up for approval.

M
9.9.33.

For perusal before issue.
H Secy) 9.9.33

Secy.
AG
9/9/33

Issue
11.9.33

TYPING SECTION

7

Counting of Acting Service for increment.

[App. F. III—2

General and Revenue Secretariat

S/H File No. 368 of 1932.

Serial No.	
	No. F.1745 d/ 12/13 .9.1933 to the Comptroller requesting him to ascertain and intimate any Provision on the Point in the British Indian Rules.
	13.9.1933
	S No 154/G.A.D. d 3.1.33 from the Comptr forwards a copy of letter received from the Accountant General Communicating the information asked for.
	Reference.
	Devan's Orders d 28/8/33 at Para 13 ante.
	18 Paras 3 & 4 of notes supra describe in brief the genesis of the Case. The AG's letter shows that in Madras they allow the whole Continuous acting service to Count for increment to the acting incumbent though he may hold no substantive appt. Their rule is very liberal and goes far beyond what our rules would Concede. We do not allow any part of acting service to Count for increments, if the incumbent has no substantive appt elsewhere. Apparently, 19/ the best way

NOTE—Contn. Sheet.

solve the question at issue seems to be the amendment of Article 8 of H.M.S.R. VI^th Edition and the consequent regularisation of the practice in regard of the Judicial Dept.

And it will then give rise to the question how the acting service could be allowed to count to the extent of one increment only, whatever the length of such service, be, provided only it is not less than a year. The position might result in an anomaly. To seek to adopt the Madras rule is prohibitive with the conditions of finance, such as they are here.

20) The amendment of Article 83 in the manner suggested above would disrupt the branches in the Judicial Dept and the concession to will become one of several applicants to the Dept. To confine the branches to the Judicial Dept would lead the view of people distinctive treatment, which is by no means healthy

21) The Comptroller may kindly let us have his opinion.

22) It is however time for us to coordinate the Madras practice with ours

H Secy) 8/11/33

23) The Comptroller with compliments to the Secretary of State in so regards the point raised in para 4 of the notes marked A1 & amendment of article (a) read in conjunction with the practice reported

H.O. H 80
10.11.33
10
11
H.O. 45/GAD.

General and Revenue Secretariat | S/A File No. 366 of 193 2

Serial No.

by hin

A. Dharwar

9.11.33

9.11.33.

U.O.No.205/GAD dated 13th December 1933.

24) Returned with compliments.

2. The amendment of Article 83 (a) Mysore Service Regulations, VI Edition, in the manner suggested in para 4 of Secretariat Note does not by itself, appear to meet the requirements of the case. Articles 84 and 85 apply to cases where officers holding substantive appointments are appointed to other posts in which they have either acted or not acted before. It is necessary specifically to make these two articles applicable also to officers holding no substantive posts by the insertion of a note to that effect under Article 85.

M. Venkatesaiyengar

Comptroller.

15/12

Submitted. Kind reference is invited to Comptroller's letter dated 17.8.1933 (S.R. & II) The Audit Office has allowed by inadvertance one increment in respect of the acting service of a few judicial officers who were first taken in some temporary or leave vacancies, at the time they were subsequently confirmed. The

NOTE—Contn. Sheet.

WD 70—GBPM—60,000—13-8-31

procedure is without authority as there is no rule to grant an increment to an Officer without a substantive appointment. The Comptroller therefore reported the fact to Government and solicited orders as to whether that practice might be continued. The reply to this may have been "no" since the Concurrence would amount to allowing a procedure not covered by rules, since it would lead to extending similar Concessions to other Departments and as it would involve extra cost — and all such liberalisation of the rules at a time when the need for economy was very great. But now that it has been suggested (vide paras 3, 4, 13 and 23 supra) that the procedure followed in a few cases may be made a general one to be applied to all Departments the Comptroller approaches the proposal to liberalise the rules viz to render Articles 83, (b) 84 and 85 M.S.R applicable to the Cases of Officers

Counting of purely acting service for increment.

General and Revenue Secretariat — File No. 368 1492/34 of 1932 — [App. F. III—2

Serial No.

who hold no substantive appointments. For orders.

MW 3.1.34.

2) whether the present is the opportune time for liberalising rules in this direction, while we are tightening them in other directions is a point to be considered. Both on the ground of uniformity of procedure and with a view to economy, it would appear that such a proposal need not be agreed to just now.

Jafrre

Fe Secy) 5/1/34.

2) I agree that this is not the time for liberalising rules. The wrong practice in a few stray cases cannot obviously be made general or perpetuated. The Comptr may be told that it is not considered expedient to change the rules even that they may be followed as they stand.

5-1-34

6.1.34.

28) Submitted with a draft reply to the Comptroller.

MW 11.1.34.

29) For approval.

Fe Secy) 12.1.34.

30) may be appd

Dewan)

12/1.

13.1.34.

13-1-34

NOTE—Contn. Sheet.

WD 0434—GPB—15,000—12-10-33

File No. of 193 .

General and Revenue Secretariat

Serial No. 6

No FL 3918 S&A 368-32-6 D 16/17. 1934 to the Comptroller State, that it is not considered expedient to change the rules or depart from them.

18-1-34

Serial No.

C. S. R.

Initial pay.

156. When an officer is appointed substantively to a post on progressive pay —

a) (i) if he has not previously officiated in the post, or (ii) if he has officiated in it but his present substantive pay exceeds the salary which he last drew in it,

he will draw as initial pay the pay of the stage in the progressive scale next above his present substantive pay, and will draw increments after the period normally required; and

b) if he has previously officiated in the post, but his present substantive pay does not exceed the salary which he drew when last officiating, he will draw initial pay equal to that salary, and will count for increment in that stage the period during which he was drawing the said salary.

[C. S. R - 156] An officer holding no substantive appointment on a permanent establishment, appointed substantively pro-tem, on such an establishment, may draw the increments attached to his post, in the ordinary course. Under Art 156(a) he must begin on the minimum pay of the appointment, but his progression continues thereafter whether he is confirmed or not. The officer is substantive for the time being, and on confirmation the increments of the appointment will accrue to him, as if no break had been made in his tenure of the appointment.

NOTE—Contn. Sheet.

WD 0246 –GPB—15,000—22-8-32

S&A. 368-32-1

OFFICE OF THE COMPTROLLER TO THE GOVERNMENT
OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

No. 287/GAD. Bangalore, dated 11th April 1933.

From

M. VENKATESA IYENGAR, Esq., M.A.,
Comptroller to the Government of
His Highness the Maharaja of Mysore,
Bangalore.

To

S. Shamanna Esq.,B.A.,
Secretary to the Government of Mysore,
Financial Department, Bangalore.

Sir,

I have the honor to bring to your notice that it has been in praatice to allow acting service to count to the extent of one increment in the case of an officer without substantive appointment who officiates in an appointment on progressive pay and is eventually made sub protem or permanent without interruption. There is no specific rule to the effect that acting service in the case of an officer without a substantive appointment does not count for an increment even after he is made permanent but there is no rule to the contrary either. Articles 84 and 85 of the M.S.R. seem to refer only to cases of officers with substantive appointments officiating in appointments on progressive pay. As can be seen from Article 156(b), the Civil Service Regulations allow such acting service being counted for increment when an officer is substantively appointed whether or not he previously held a substantive appointment. I therefore request the favour of orders of Government whether the existing practice may be continued subject of course to the existing Government Order that acting service subsequent to 14-9-31 does not count for any increment.

I have the honor to be,
Sir,
Your most obedient servant,

M. Venkatesaiyengar

Comptroller

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

FINANCIAL SECRETARIAT,

Dated, Bangalore, 27th July 1933.

No. Fl 537.

F.A. 368.32.2

From

The *Financial Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Comptroller to the Government of Mysore,

Bangalore.

Sir,

With reference to your letter No.287 G.A.D. dated 11th April 1933, stating that it has been the practice to allow acting service to count to the extent of one increment in the case of an officer without substantive appointment, who officiates in an appointment on progressive pay and is eventually made permanent, I am directed to request you to kindly intimate whether the practice referred to is in vogue in all Departments or only in Accounts Department.

I have the honour to be,

Sir,

Your most obedient servant,

for Financial Secretary to Government.

K.M.R.2/27-7.

27.7.33

Appendix F G—1]

SUBJECT.....

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Section S+A

File No. 368-32

Serial No. 2

Diary No. of letter replied to.....

No. 7E 537

To The Comptroller

Sir

General and Revenue Secretariat

( )

the *193* .

Date of issue..... 28/2/33

Signed by..... M. Rice

With reference to your letter no 287 G+RS dt 11.4.1933 stating that it has been the practice to allow acting Service to Count to the extent of one increment in the case of an Officer without substantive appointment, who officiates in an appointment on progressive pay and is eventually made permanent; I am directed to request you to kindly intimate whether the

List of enclosures.....

Copied by.....

Examined by.....

WD 0253—GPB—15,000—26-8-32

practice referred to is in
vogue in all Departments
of only in ~~the Crown Agents~~
Accounts Department

I have etc.

27.7.33

for Financial Secretary

26.7.33

S.&A. 368-32-3

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

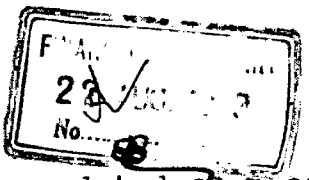
708

Comptroller's Office, Bangalore,

No. 55/GAD

Dated the 17th August *1933.*

A. N. Raghavachar Esq., M.A.,
Secretary to the Government of Mysore,
Financial Department, Bangalore.



Sir,

With reference to your letter No.Fl.537/S&A 368-32-2 dated 28-7-33 I have the honor to state that the practice referred to therein is not generally in vogue in any Department. But in the Judicial Department where Advocates are appointed as acting Munsiffs in the first instance and are subsequently confirmed in their appointments, the service put in by them as acting Munsiffs without interruption has for many years past been allowed to count to the extent of one increment. Orders of Government were

Appendix F G—1]

SUBJECT .....

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Section S. HA

File No. 368-32

Serial No. 4

Diary No. of letter replied to .....

No. H 1748

To The Comptroller

Sir

With reference to your letter no. 287 G&D dt 11.4.1933 re. the grant of one increment in the case of an Officer without substantive appointment. I am directed to request you to kindly ascertain and intimate if there is any provision ~~on the point~~ in the British Indian Rules (Fundamental Rules)

I have etc

9.9.33

for Financial Secr

General and Revenue Secretariat

( )

the *193* .

Date of issue 13/9/33

Signed by Mr R. VR

List of enclosures .....

Copied by .....

Examined by .....

WD 0253—GPB—15000—26-8-32

9.9.33

Fe 1745

Sr 368-32-4

From
The Secy to Govt

xxxxxxxxxxxxxxxxxx
Financial Department.

To

The Comptroller to Government,
Bangalore.

Bangalore, dated 12th September 1933. xxx

13

Sir,

With reference to your letter No. 287 GAD., dated 11th April 1933, re. the grant of one increment in the case of an officer without substantive appointment, I am directed to request you to kindly ascertain and intimate if there is any provision on the point in the British Indian Rules -- (Fundamental Rules).

I have the honor to be,
Sir,
Your most obedient servant,

K Venkata Rao

For Financial Secretary to Government.

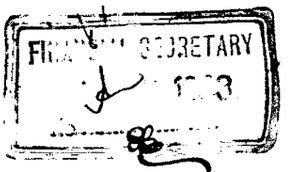
TRM.2

12.9.33.

S. FA. 368-325

OFFICE OF THE COMPTROLLER TO THE GOVERNMENT
OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

No. 154/G.A.D./Encls.2. *Bangalore, dated* 3rd November *1933.*



From

M. VENKATESA IYENGAR, Esq., M.A.,
Comptroller to the Government of
His Highness the Maharaja of Mysore,
Bangalore.

1492

To

A.N. Raghavachar, Esq., M.A.,
Financial Secretary to the Government
of Mysore, Bangalore.

Sir,

With reference to your letter No.Fl.1745/S&A of 12/13-9-3 regarding the grant of increment to an officer without a substantive appointment who officiates in an appointment on progressive pay and is eventually made permanent, I have the honour to forward herewith copies of this office letter to the Accountant General Madras, in the matter and his reply thereto.

I have the honour to be,

Sir,

Your most obedient servant,

M. Venkatesa Iyengar

Comptroller.

S.S.

Letter No. T.M.15-883 dated 26-10-1933 from the Accountant General (T.M. Section) Madras) to the Comptroller in Mysore, Bangalore

---

Subject. - Counting the previous service of an officer without a substantive appointment, in a post on a progressive rate of pay for the purpose of fixation of his pay in the post at the time of his confirmation.

With reference to your letter No.115/G.A.D. dated 6-10-1933 on the subject noted above, I have the honour to state that, with the advent of the Fundamental Rules and the introduction of time scale rates of pay to the posts under the control of the Madras Government, the term "Progressive rate of pay" has become obsolete. Under the subsidiary rule to Fundamental Rule 35 issued by the Local Government, an officer, without any substantive appointment, can officiate in a post on a time scale rate of pay and count his continuous officiating service for the purpose of increment in that scale. A period of break in that service will, however, entail forfeiture of his past service in that time scale.

"Copy".

K Srinivasmurthy
G.A.D.

Superintendent, ~~Records~~ Section.

Letter No.115/G.A.D. dated 4-10-1933 from the Comptroller to the Government of Mysore, Bangalore, to the Accountant General, Madras,

---

I have the honour to request that you will be so good as to intimate whether under Fundamental rules (F.R.22 Corresponding to Article 156 C.S.R.) an officer without a substantive appointment officiating wholetime in an appointment on a progressive rate of pay in which he is given the minimum pay of the appointment in the first instance, can be granted officiating allowance calculated upon the various stages of the officiating appointment. If such an officer is confirmed in that appointment without any break in his service it may be kindly intimated whether and to what extent his previous acting service can be taken into account for purposes of fixing the initial pay in the case of such an officer whose allowances have been limited to the minimum pay of the appointment during the whole period of his officiating tenure.

"Copy".

K Sreenivasmurthy 9.3.49

Superintendent, [illegible] Section.

Appendix F G—1]

SUBJECT.....

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Section S+A.
File No. 368-32
Serial No. 6

Diary No. of letter replied to .....

General and Revenue Secretariat

( )

the *193* .

Date of issue 17-1-34

Signed by Mr. M. S.

List of enclosures.....

Copied by.....

Examined by.....

No. 7K 3918

To The Comptroller.

Sir

With reference to your letters nos. 287 G.A.D Dy 11.4.33 and 55/G.A.D Dy 17-8-1933 stating that in the Judicial Department the service put in by certain officers as acting Munsiffs, has for many years past been allowed to count to the extent of one increment at the time of confirmation though it was not admissible under the rules and requesting orders as to whether the practice may

be continued. I am directed
to state that it is not considered expedient to change the rules, ~~and that~~
~~they should be followed~~, ~~have to be~~
~~followed~~ or depart from them

I have etc.

12.1.34.

Financial Secretary

12.1.34.

11.1.34.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. R 3918/S&A 368-32-6 Dated, Bangalore 16th Jany 1934.

From

The Financial Secretary to the Government of His Highness the Maharaja of Mysore.

To

The Comptroller to Government,

Bangalore.

Sir,

With reference to your letters Nos. 287GAD dated 11th April 1933 and 55/GAD. dated 17th August 1933 stating that in the Judicial Department the service put in by certain officers as acting Munsiffs, has for many years past, been allowed to count to the extent of one increment at the time of confirma though it was not admissible under the rules and requesting orders as to whether the practice may be continued, I am dir to state that it is not considered expedient to change the ru or depart from them.

I have the honour to be,

Sir,

Your most obedient servant,

M Shamanna

for Financial Secretary to Governmen

16.1.34